

# INSTRUCTIONS FOR COMPLETING EO 418 FY 2005 REQUEST FOR HOUSING CERTIFICATION

“Assisting Communities in Addressing the Housing Shortage”  
(Covers period from 7/1/04-6/30/05)

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## **OVERVIEW**

The Housing Certification Process is an important part of Executive Order 418, “Assisting Communities in Addressing the Housing Shortage.” Its purpose is to provide an incentive for communities to assist residents by taking steps to increase the supply of housing affordable to individuals and families with low-, moderate-, and middle-incomes.

There are some major changes for how Housing Certification will be applied in program scoring in FY’05. Communities that receive certification are given bonus points in the Mass CDBG program. Many of the other grant programs subject to housing certification in past years will be scored pursuant to a new evaluation process under the Commonwealth Capital (CC). The scoring for the CC programs consist of two parts: the CC application and the program application. On the scoring application for the new CC program, housing certification gains a community points in the application process. A copy of the Commonwealth Capital Application can be found on the website below. The nine grant programs included in Commonwealth Capital include the following:

- Public Works Economic Development Program (EOTC)
- Community Development Action Grant Program (DHCD)
- Transit Node Grant Program (DHCD)
- State Revolving Fund (EOEA - DEP)
- DEP Brownfield Funding (EOEA – DEP)
- Self-Help Program (EOEA)
- Urban Self-Help Program (EOEA)
- Agricultural Preservation Restriction Program (EOEA – DAR)
- Land Acquisition Programs (EOEA - DCR, DAR, DFG)

Additional information on Commonwealth Capital for FY2005 can be found at <http://www.mass.gov/ocd/comcap.html>

**In FY2005 certification is only possible if a community has an acceptable housing strategy and new units have been created in the community for households and individuals with low-, moderate-, and middle-income.**

This set of instructions and the electronic form covers the **fifth year** (FY2005) of housing certification. Communities submitting requests under the guidelines and forms for FY2005 will be certified until June 30, 2005. DHCD will list the housing certification status of all cities and towns along with the information contained in each certification on its web site <https://www2.massdhcd.com/e418portal/>. If you have questions during completion of the request form, please call 617-573-1358.

## **How Housing Certification Works**

In FY2005 communities must submit the number of units created with their assessed values (land and buildings) or their rent. It consists of documenting that housing units for rental and/or ownership have been recently created that are affordable to households with low-, moderate-, or middle-income (up to 150% of area median income). In order to be certified, communities must include their housing strategy. The strategy will be used to determine whether the number of units created is consistent with the needs in the community as defined by the community.

**In FY2005 any community that is producing housing units -- consistent with its housing strategy -- that are affordable to individuals and families with low-, moderate-, and middle-incomes will receive housing certification. See definition of new unit creation on page 7 of the instructions.**

**Options for Certification:**

- Communities who had an acceptable housing strategy last year may continue to use it until it becomes 5 years old or at their option may update it. Units must have been created to show that the community is moving towards achieving the numerical goals stated in the strategy.
- Communities in the Pioneer Valley Planning Commission region who signed on to the subregional housing strategies where newly constructed units were created will receive full certification. The subregional strategy may continue to be used until it is five years old or may be updated at any time. If a community has undertaken a Community Development (CD) Plan and wishes to substitute that for the subregional housing strategy should indicate this choice by entering a statement in the strategy box on page 2 of the form.
- Communities in the Franklin Regional Council of Governments region may continue to seek regional certification or may substitute their CD Plan with a housing element by entering a statement in the strategy box on page 2 of the form.
- Communities, which have an acceptable housing strategy where no housing production in the EO418 limits may apply for a waiver of certification following the information on page 9 of these instructions.
- Please note that even if you have an acceptable plan and become housing certified, if the community has not reached 10% on the subsidized housing inventory, it will continue to be subject to C40B Comprehensive Permit applications. It is possible to submit an acceptable housing strategy or CD Plan Housing Element for consideration under the C40B Planned Production Regulation separately.

**When to Submit Certification Requests**

DHCD will begin accepting Housing Certification Requests for FY2005 on **June 15, 2004**.

- Requests may be submitted at any time until June 15, 2005.
- A community may submit its request for housing certification prior to or on the same day that an application is filed for a competitive grant program or a rolling non-competitive grant program. It must have received certification to receive the points on the Commonwealth Capital Application.
- Communities whose initial certification requests have been rejected may re-submit at any time.

**The Review Process**

Within 15 calendar days, DHCD will review submitted certification requests and announce the result of that review by posting the certification on the website:

<https://www2.massdhcd.com/e418portal/>. We reserve the right to ask for additional information or for verification or clarification of information in order to issue certification.

**HOW TO SUBMIT A REQUEST FOR HOUSING CERTIFICATION**

We have an interactive web site, <https://www2.massdhcd.com/e418portal/> that will allow the community to submit the request online. This method of certification submission is required. You must use Internet Explorer for your browser.

## Electronic Form

You will need a login name and a password to access the form, which can be obtained by calling Mary Jane Gandolfo at 617 573 1353. Access to the login and password for each community will only be provided to an official from the community. That person may share the login information as they find appropriate. The login and password act as the “signature” of the chief elected official. You continue to use the same login information each year. Therefore, if you were certified in a prior year use the same login information.

### Contact Information:

- Website: <https://www2.massdhcd.com/e418portal/>
- Email: [ann.whittaker@state.ma.us](mailto:ann.whittaker@state.ma.us)
- Phone: 617-573-1353
- Fax: 617-573-1460
- Mail: DHCD, 100 Cambridge Street, 3rd Floor, Boston MA 02114

## **COMPLETING THE REQUEST FOR HOUSING CERTIFICATION**

Once you have your login and password, proceed to the web page listed above. After entering your login information, you will gain access to a page that gives you general information about the program as well as several links. To access the Housing Certification Request Form, click on the “Housing Cert. E-File” link in the left column of the page. Choose the fiscal year for 2005 and click “Continue”. Proceed by typing in the boxes provided on the form. Click “Save” at the bottom of each page to continue to the next page. This step is important so that you do not lose the information you entered.

### What Timeframes to Use

The timeframe for Unit Creation is the most recent 12-month period available for which the Local Assessors have reported new construction data to the Department of Revenue. The 12-month period does not have to be based on a calendar or fiscal year. We expect that the timeframe will be updated annually.

### General Information Section

“General Information About the Community” on page 1 of the application is required of all communities submitting requests for Housing Certification.

Note: Some hints to make filling in the application easier for you.

- On page 1, the person signing the application should be your chief executive officer.
- On page 2, under the housing strategy box are some date boxes: The first is a year, all the others use the format xx/xx/xx.
- On page 3 and 4, use the same format for the 12-month period

### Community’s Housing Strategy

This year, as in 2004, the community has three choices for housing strategy entry. If the community has completed a community development plan or housing plan or strategy that includes tables and charts, go to the section on the original certification webpage. Choose the name of your community. If your plan shows up and this is what your community wants to use

for a strategy, when you get to the strategy box on page 2 of the certification form, enter a statement for readers to see the plan located on the plan website. You should feel free to call attention to the pages you want readers to focus on.

If your plan does not show up on the list, you will see a bar that allows you to upload a plan. You will get a choice of where on your computer you want to browse. Choose the document and click on save. You will see your plan listed. When you get to the strategy box on the certification form, enter a statement for readers to see the plan located on the plan website. You should feel free to call attention to the pages you want readers to focus on.

Your third choice is to prepare a housing strategy that includes all the information listed below and load it either in the strategy box on the certification form or at the plan site described above. When you get to the strategy box on the certification form, enter a statement for readers to see the plan located on the plan website if you uploaded a plan. You should feel free to call attention to the pages you want readers to focus on.

An active housing plan or strategy identifies:

- Local housing needs as well as an appropriate local share of regional housing needs
- Goals and action steps that support the creation of additional housing units affordable to households of low, moderate, and middle income over a specified period of time
- Development constraints or limitations (i.e. percentage of land that is steep slope, owned or controlled by a state or federal agency, block on sewer or water connections, etc.)
- Source of the constraint and whether the community has the ability to mitigate that constraint or limitation
- Analysis of the community's infrastructure, such as school capacity, water/sewer capacity, etc.
- Steps the community is taking to accomplish a strategy
- Anecdotal information on the existing housing stock, such as age and types of housing (such as elderly, single person occupancy, family rental, and single family homeownership units) in the current stock is useful in determining the community's need
- Annual growth in building permits issuance for creation of new residential units (indicate number of new residential units created) over the past 5 years. (This information is available from the local building inspector)
- The housing strategy must contain the community's quantified objectives for producing housing (by type of housing), which meets the community's need

In determining local housing needs, the community must identify and analyze the following data, available from the United States Census:

- Total number of occupied year-round ownership and rental housing units within the community in 2000
- Vacancy rates for year-round ownership and rental units in the community in 2000
- Average annual rate of household growth, 1990-2000
- Average annual rate of housing unit growth, 1990-2000

DHCD will archive housing strategies as they are submitted, and will revisit the strategies on an annual basis. If, in subsequent requests for housing certification, a community has failed to meet its stated objective for housing production based on units produced in the prior year, it must

update the strategy to identify obstacles to housing production and strategies for overcoming such obstacles.

**Note:** If a community submits an active housing strategy, housing plan, community development plan, or master plan which is based upon the 1990 Census, DHCD requests that it be supplemented with the above 2000 Census data. The chart below can be used to provide the information. DHCD will provide the necessary Census data to any community upon request. A community whose housing strategy, housing plan, community development plan, or master plan is based upon 1990 Census data must certify either that (a) its findings relative to the 2000 Census data is consistent with the existing strategy or plan or (b) when the plan is updated it will be based upon an analysis of 2000 Census data. In an effort to help communities assess their housing needs with the most current information available, DHCD will provide assistance in interpreting the required 2000 Census data to any community upon request.

		Massachusetts	Community
A	Total households, 2000 Census	2,443,580	
B	Total households, 1990 Census	2,247,110	
C	<b>Total household growth, 1990 - 2000</b>	<b>C=(A/B)-1</b>	<b>8.7%</b>
D	<b>Average annual household growth, 1990 - 2000</b>	<b>D=C/10</b>	<b>0.9%</b>
E	Total housing units, 2000 Census	2,621,989	
F	Total housing units, 1990 Census	2,472,711	
G	<b>Total housing unit growth, 1990 - 2000</b>	<b>G=(E/F)-1</b>	<b>6.0%</b>
H	<b>Average annual housing unit growth, 1990 - 2000</b>	<b>H=G/10</b>	<b>0.6%</b>
I	Total occupied year-round ownership units, 2000 Census	1,508,052	
J	Total occupied year-round ownership units, 1990 Census	1,331,493	
K	<b>Growth in year round ownership units, 1990-2000</b>	<b>K=(I/J)-1</b>	<b>13.3%</b>
L	Total occupied year-round rental units, 2000 Census	935,528	
M	Total occupied year-round rental units, 1990 Census	915,617	
N	<b>Growth in year round rental units, 1990-2000</b>	<b>N=(L/M)-1</b>	<b>2.2%</b>
O	Vacancy rate for year-round ownership units, 2000 Census	0.7%	
P	Vacancy rate for year-round rental units, 2000 Census	3.5%	
Q	Vacancy rate for year-round ownership units, 1990 Census	1.7%	
R	Vacancy rate for year-round rental units, 1990 Census	6.9%	

### Inventory Of Current Housing Stock

Every community must include the information regarding its current housing stock. It is not necessary to provide information on whether the units are in public or private ownership.

### Instructions for Newly Created Units

- Documentation of Unit Creation begins on page 3 of the request form.
- Provide information on all newly created units whether or not they are affordable within the applicable income limits. Executive Order 418 focuses on creating ownership units that are assessed at and rental units that rent at or under the levels identified in Attachments B. Ownership or rental units above the levels specified add to the overall housing supply but do not count as adding to the affordable housing supply. Such units must be identified on the form for Unit Creation and added to the current housing stock in future years.

#### **A note about Unit Creation:**

The number and type of units needed to fulfill the strategy will vary from community to community. DHCD will evaluate the units created based on the housing strategy provided in the General Information section. The number of units created should demonstrate progress towards attaining the goals stated in the strategy. They should represent a range of values.

#### DEFINITION OF UNIT CREATION

Units qualifying as “adding to the overall supply of housing”:

- Newly constructed residential units including college and university dormitory rooms
- Units that were made uninhabitable by fire and then rehabilitated
- Units for which seasonal occupancy permits were issued initially and, after rehabilitation, regular occupancy permits are issued
- Units which were condemned by a municipal official and rehabilitated
- Units vacant for two or more years and rehabilitated
- All units created in what was formerly commercial, industrial, municipal, or other non-residential space
- Total units in a residential structure converted to multi-family less the number of units that were there originally, e.g., single family home converted to three residential units would count as two new units

Qualifying **ownership units** are defined as newly created units:

- Affordable to low- or moderate-income individuals and families (making less than or equal to 80% of the median income for the MSA, PMSA, or non-metropolitan county in which the unit is located), and/or
- The upper limit of assessed value (land and buildings) for units considered affordable to middle-income individuals and families will be \$375,000 or less.

Qualifying **rental units** are defined as newly created units:

- Affordable to low- and moderate- income individuals and families (making less than or equal to 80% of the median income for the MSA, PMSA, or non-metropolitan county in which the unit is located), and/or
- The upper limit statewide for monthly rent is \$1,855.

### Single Family and Condominium Ownership Units

Page 3 of the application

In this part, provide the assessed value of new units for the most recently available twelve-month period. Indicate how many single-family homes and condominiums were created, listing

assessed value of land and building in \$10,000 increments. Place the number of units created next to the appropriate value range.

Each year, local assessors report to the Department of Revenue on the number of units added to the housing supply. The specific background data for that report may be used to complete this section. The assessed value range requested includes the value of both land and buildings.

#### RENTAL HOUSING UNITS

(Page 4 of application)

- Provide the estimated rents the owners are expected to receive. This list should indicate how many multi-family units were created with rent ranges in \$100 increments for the most recently available twelve-month period. Place the number of units created next to the appropriate rental value range.
- Include a non-owner occupied second unit in a duplex or accessory apartment.
- An additional box is provided to accommodate rental units that were created but for which rental prices are not available. A source of information on these units is issuance of an occupancy permit.

Information on rental values may not be readily available. Sources may include information on permit applications, information from newspapers when units are first advertised, or information from rental agents or realtors.

#### CREATION OF OTHER UNITS

(Page 4 of application)

Provide the number of other units that were created that were not described in the previous two sections. These might include accessory apartments, units for special needs populations, dormitory rooms for secondary schools and colleges, etc. At a minimum describe the population served, the number of units created, and to the extent possible the rent or cost per unit. If the rent or cost per unit includes utilities or services, provide an estimate of the cost of the utilities or services.

### **WAIVERS TO UNIT CREATION FOR FY2005**

The following describes the waiver policy DHCD is using for Unit Creation in year five (FY2005) and beyond. The waiver request must be submitted to DHCD Director, Jane Wallis Gumble, by the Chief Executive. The chief elected officials in the community should be provided with a copy of the request.

1. Communities requesting waivers must submit the General Information Section of the Housing Certification Request Form and describe their efforts to as many items as possible in list in Appendix A.
2. Communities requesting waivers must have an **active housing plan or strategy** for preserving housing and ensuring housing affordability for households with low-, moderate-, and middle-income (see page I-5 for details on what the housing strategy must contain).
3. A request for a waiver will consist of a narrative and be based on
  - Current local conditions (see item 4 below) and
  - Verifiable sources of documentation.
4. Evidence that a community may submit as justification for a waiver includes but is not limited to:
  - ▶ Current housing stock in the community is available for rent or sale and the asking rent and/or sales prices make it affordable to households with low to middle incomes; and the

- number of units available is sufficient to satisfy current demand as outlined in the housing action plan.
- ▶ An unusually large number of affordable housing units entered the market in the previous year or will enter the market in the next year, e.g., issuance of comprehensive permits, subdivision approvals, building permits, etc. For this purpose, a three-year average or projected average may be used.
  - ▶ Externally imposed limitations or constraints exist that make it unlikely the community will add additional housing units, e.g., no additional water or sewer hookups are available; a high percentage of the land mass is under water, or owned by the public or institutional bodies outside of the community, etc.
  - ▶ A community is totally “built-out” as documented by a build-out analysis showing that no additional land is available for development. A community finding itself in this situation must be able to demonstrate that it provides alternative opportunities, such as in-fill housing, conversion of large structures (whether residential, industrial, commercial, municipal, etc.) to multi-family residential, accessory apartments, etc.
  - ▶ A public purpose exists for critical resources to be protected, preventing new housing development
  - ▶ Other factors outside the control of the community make it unlikely that the community will see additional housing units created.
5. Waiver requests must be submitted to DHCD Director Jane Wallis Gumble. They will be considered and evaluated on a case-by-case basis.
  6. Denial of a waiver may prevent a grant applicant from receiving discretionary grant funds covered by EO418. DHCD encourages communities to submit waiver requests well in advance of the funding application deadline. Requests for waivers must be received by DHCD no later than fifteen days prior to the deadline.
  7. Waivers, if granted, will be for one fiscal year and may include conditions relating to future waivers.

## **ATTACHMENT A PROACTIVE THINGS A COMMUNITY CAN DO TO CREATE A POSITIVE ATMOSPHERE FOR HOUSING DEVELOPMENT**

**Activities the community can take to raise public awareness of the housing issue and plans completed including strategies to address identified housing needs, such as:**

- ☐ Hold a local or regional forum open to the general public on the housing needs or strategies to address housing needs in the community or region.
- ☐ Complete a local or regional plan that includes information on how and where the community/region will provide housing for people of low, moderate, and middle-incomes.
- ☐ Create and fund using municipal funds, a full or part time municipal position to address housing issues, process-permitting applications, or otherwise facilitate or encourage housing development.
- ☐ Identify municipally owned or controlled lands and/or buildings that are suitable for the development of housing.
- ☐ Identified other publicly owned or controlled lands and/or buildings that are suitable for the development of housing.
- ☐ Form and participate actively in a local or regional housing partnership or other housing group.
- ☐ Act as the lead for, or actively participate as a member of, a HOME consortium.
- ☐ Interested residents or organizations in the community or region could raise money for the rehabilitation or development of housing.
- ☐ Work with local lenders or non-profit agencies to provide first time homebuyer education and counseling, housing search to assist people to buy their first home.
- ☐ Complete an analysis of the impediments to development of housing affordable to households over a broad range of incomes.
- ☐ Undertake activities related to Fair Housing.

**Grants or other public funds for housing production, affordability, or rehabilitation which the community can apply for, such as:**

- ☐ Seek grants for technical assistance expressly for the purpose of finding ways to produce housing and/or to streamline the permitting process.
- ☐ Seek grant or public funds that increased the supply of low-, moderate-, and or middle-income housing and/or assisted the promotion of affordable homeownership, e.g., HOME, HSF, and HIF. These grants could also include activities that assisted in the preparation of sites in order to make them suitable for housing production (e.g., brownfields, HOME, CDBG HDSP).

- ☐ Seek grant or other public funds to take part in a local or regional program for housing rehabilitation and/or septic system repair program to preserve existing housing stock or enable housing production.

**Activities which the community can undertake to improve the affordability of housing, such as:**

- ☐ Work with private lending institutions, other financial service establishments, MassHousing, or other quasi or non-profit agencies to make available concessionary financing or other mechanisms that improve housing affordability and/or provide homeownership opportunities for low, moderate, and middle-income families.
- ☐ Provide municipally owned or controlled land or buildings at no cost or below market cost to a housing developer for the purpose of creating low-, moderate-, and middle-income housing. (For example, Habitat for Humanity or other non-profit organizations).
- ☐ Form a local or regional Affordable Housing Trust that can receive tax-deductible, charitable and other donations that would be used to develop or rehabilitate housing.
- ☐ Vote to adopt the Community Preservation Act.
- ☐ Raise or appropriate municipal funds for the rehabilitation or development of housing.
- ☐ Take steps to open additional land to development through the use of alternate technology under Title 5, or other environmental regulations, use of package treatment plants, or extension of sewer lines to reduce the cost of housing development.
- ☐ Establish a concessionary fee structure for applications for subdivision, comprehensive, special, or building permits for housing development, which is lower for low- and moderate-income housing development and/or for non-profits developing affordable rental housing.
- ☐ Establish a concessionary fee structure for inspection permits associated with the creation of housing, which is lower for low- and moderate-income housing development and/or for non-profits developing affordable rental housing.
- ☐ Seek out the pro bono services of a real estate attorney, or other professional, to assist in affordable housing efforts and reduce development cost barriers to affordable housing.

**Activities to streamline local processes and expedite decisions on proposals/requests for housing development, such as:**

- ☐ Formally appoint a designee who can negotiate low-and moderate-income housing proposals between the developer and municipal land use boards (such as comprehensive permit applications).
- ☐ ZBAs can adopt the model local rules put forth by the Housing Appeals Committee (HAC), or local guidelines, which substantially incorporate the HAC guidelines, for responding to comprehensive permit applications. Community can negotiate proactive comprehensive permit applications that meet the needs of both the community and the developer.

- ☐ Implement administrative procedures to expedite the permitting process for housing development, especially for projects requiring special permits.
- ☐ Implement administrative procedures to expedite the inspectional services process relating to development of housing.
- ☐ Expedite the local administrative process for foreclosing on tax title properties for creating or restoring housing that results in foreclosure within 18 months of “demand for taxes.”

**Adopt zoning provisions to expedite the housing development process or expand the housing options available within the community, or dealt with Ch. 40B Comprehensive Permit Applications, such as:**

- ☐ Adopt Incentive Zoning Provisions to Increase Underlying Housing Density such as:
  - Density bonus provisions for the creation of more housing units in return for the landowner providing open space or other municipal amenity;
  - Density bonus provisions for cluster development;
  - Density bonus provisions for low- and moderate-income housing;
  - Zoning provisions that allow for more intensive housing development such as Planned Unit Developments and Planned Residential Developments, which provide a density bonus greater than that allowed by the underlying zone.
  - Provisions to allow infill-housing development on lots that do not meet current dimensional requirements.
- ☐ Adopt As of Right Zoning/Land Use Regulations addressing such areas as:
  - Duplexes or two family units
  - Accessory or in-law apartments
  - Three family units
  - Multi-family housing (more than three family)/apartment buildings
  - Co-housing
  - Single room occupancy housing
  - Cluster by right
- ☐ Adopt zoning provisions authorizing:
  - Live-and-work units (e.g. artisan studios or home occupation)
  - Housing units for seasonal employees
  - Mixed uses such as commercial, office, or industrial with residential use
  - Congregate care facilities or assisted living facilities
  - Manufactured housing (mobile home) parks.
  - Conversion of large single-family structures, vacant mills, industrial buildings, commercial space, or schools, etc. into multi-family developments.
- ☐ Take actions to defeat a building cap or moratorium proposal.
- ☐ Eliminate building caps or building moratoriums.
- ☐ Adopt a phased growth or other development bylaw that provides exemptions and/or incentives for affordable housing that has been utilized since July 1 of the previous fiscal year.

**Other activities undertaken for planning, removing barriers, and creating a positive atmosphere for housing development not listed elsewhere in this request for certification**

- ☐ Undertake activities that promote planning, remove barriers, and create a positive atmosphere for housing development affordable to individuals and families across a broad range of incomes.

## Instructions for Completion of FY2005 Request for Housing Certification

Location: e://Certification/General Certification/Instructions EO418 2005 Request/